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5 **Vegas Connection, a California Corporation, Omar**
Awad, an individual, Jahangir Shahriari, an individual

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (Oakland Division)

11 DE SOL CORP., INC. a California
12 corporation

13 Plaintiff

14 vs.

15 Vegas Connection, Inc., a
16 California corporation; Omar
17 Awad, an individual; Jahangir
Shahriari, an individual,

18 Defendants.
19

Case No.: C07 4107

DECLARATION OF KHALIL
AWAD IN SUPPORT OF
DEFENDANTS' REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
TRANSFER CASE FOR IMPROPER
VENUE
[28 USC §1404(a)]

Date: December 18, 2007
Time: 1:00 p.m.
Location: Courtroom 3, 3rd Floor

20 I, KHALIL AWAD, declare as follows:

21 1. I currently am, and during all the times mentioned in this declaration
22 was, the general manager of Defendant VEGAS CONNECTION, INC. ("Vegas
23 Connection").

24 2. I make this declaration in support of Defendants' Reply To Plaintiff's
25 Opposition to Defendants' Motion To Transfer For Improper Venue Or In The
26 Alternative To Transfer For Convenience.

27 3. I am personally familiar with all matters that are the subject of this
28 declaration and the facts set forth in this declaration are within my personal

DECLARATION OF KHALIL AWAD IN SUPPORT OF DEFENDANTS' REPLY
TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER FOR
IMPROPER VENUE OR IN THE ALTERNATIVE TO TRANSFER FOR CONVENIENCE

1 knowledge. If called as a witness, I would and could competently testify to all
2 facts stated herein.

3 4. I have reviewed Mr. Shahriari's October 15, 2007 declaration in
4 detail and believe each statement set forth therein to be true. I have also reviewed
5 Plaintiffs' Opposition To Defendants' Motion To Transfer Case For Improper
6 Venue and the Declaration Of Roberto Alvaro in Support Of Opposition To
7 Defendants' Motion To Transfer Case For Improper Venue and know of their
8 contents.

9 5. With reference to paragraph 3, 4, and 5 of Mr. Alvaro's declaration, it
10 is true that I met with Mr. Alvaro in or about December 28 or 29, 2006 and that
11 both Mr. Jose Antonio Gonzales ("Tony") and Mr. Shahriari were in attendance as
12 well. At no time during this meeting did Mr. Alvaro ever explain that his
13 company was based San Mateo, California. The first time I learned of the
14 existence of a San Francisco company named De Sol was in early May, 2007 when
15 we first received an invoice from said company.

16 6. With respect to paragraph 6 of Mr. Alvaro's declaration, it is not true
17 that De Sol imported produce from Mexico between January and June, 2007 and
18 sold it to Vegas Connection. We purchased produce directly from Mexican
19 farmers between January and June, 2007 and these farmers transported the
20 produce directly to our warehouse. De Sol was not involved, as far we knew, until
21 early May, 2007.

22 7. With respect to paragraph 8 of Mr. Alvaro's declaration it should be
23 noted that my company did not begin to sell produce to some of Mr. Alvaro's
24 customers until approximately May of 2007. I estimate that the total percentage of
25 produce sold to Los Angeles county customers to be approximately 80-90% and
26 the total percentage of produce sold to San Francisco county customers to be
27 approximately 10-20%.

28 8. I also estimate that the total number of Los Angeles county customers

1 to whom we sold produce to be approximately 50-60 and each of these customers
2 may be witnesses in the case. Similarly, I estimate that the total number of San
3 Francisco customers to be approximately 7-8.

4 9. With respect to paragraph 10 of Mr. Alvaro's declaration, it is
5 important to note that we did not receive FAXs from, or send FAXs to, San Mateo
6 until approximately early May, 2007.

7 10. With respect to paragraphs 11 and 12 of Mr. Alvaro's declaration, I
8 admit and acknowledge participating in various telephone conferences with Mr.
9 Alvaro during and throughout the relevant time period, but I did not know Mr.
10 Alvaro's business was in San Mateo until approximately early May of 2007.

11 11. With respect to paragraph 14 of Mr. Alvaro's declaration, while it
12 might be true that either myself or my general manager Mr. Awad sent a FAX(s) to
13 Shasta Produce in San Francisco, this was done because we understood this
14 company to be one of Mr. Alvaro's customers.

15 12. With respect to paragraph 15 of Mr. Alvaro's declaration, I do not
16 believe I ever saw this invoice before. I believe that if this invoice had in fact
17 been FAXd to our office, that either Tony or Boracho must have retrieved the
18 FAX since they had constant access to our company FAX machine.

19 13. With respect to paragraph 16 of Mr. Alvaro's declaration, I do not
20 believe I ever saw this invoice before. It appears that this invoice was signed by
21 Tony, who had constant access to our company FAX machine and therefore I
22 believe that it was Tony who received this FAX.

23 I declare under penalty of perjury as set forth in 28 U.S.C. §1746, the
24 foregoing statements to be true and correct.

25 November ____, 2007

26
27 KHALIL AWAD
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